REMARKS/ARGUMENTS

Initially, the originally filed Abstract has been deleted and a new Abstract provided that does not exceed 150 words. Hence, substitution of the new Abstract for the originally filed Abstract is requested.

Regarding the claim objection in paragraph No. 2 of the Office Action, it has been rendered moot by the cancellation of this dependent Claim 17, but with the subject matter thereof having been incorporated into independent Claim 15. With respect to the objection in paragraph No. 3, Claim 18 is re-written as an independent claim incorporating the limitations of originally filed Claim 10, as suggested by the Examiner.

Claims 1, 2, 4, 7 and 8 stand rejected under 35 U.S.C. §102(b) as anticipated by the patent to Caselgrandi et al. (US 4,542,749 and hereinafter also referred to as Caselgrandi). Claims 10 and 13 are rejected under 35 U.S.C. §102(b) as anticipated by the patent to Motta (US 5,032,117). Claims 15 and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by the patent to Goodsir et al. (US 4,753,345 and hereinafter also referred to as Goodsir). Dependent Claims 3, 5, 6, 9, 11, 12, 14, 17 and 18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Dependent claims 5, 9, 12, 14 and 18 have been rewritten in independent form including all limitations from the claim from which each depended, except for Claim 18 which incorporates the language from originally filed Claim 10. Therefore, these claims are allowable. Dependent Claim 6 depends from rewritten and allowable independent Claim 5 and it should also be now found allowable. The subject matter of dependent, allowable Claim 11 has been incorporated into independent Claim 10. Thus, Claim 10 should also be found to be allowable. The subject matter of allowable dependent Claim 17 has been incorporated into independent Claim 15. Consequently, Claim 15 should now be allowed. Similarly, previously rejected dependent claims 13 and 16 now depend from allowable independent Claims 10 and 15, and therefore should also be allowed.

With regard to remaining rejected Claims 1, 2, 4, 7 and 8, independent Claim 1 and re-written new independent Claim 2 have been amended to emphasize and clarify the patentable distinctions of the claimed inventions over the prior art of record. Reconsideration of the rejections of Claims

1, 2, 4, 7 and 8 together with consideration of new independent Claims 19 and 20, is respectfully requested.

As recited in Claim 1, the present invention is directed to a syringe that includes a syringe body with an outer member and an inner member having a receptacle, a bridge and a vent. The novel and non-obvious combination of these elements in a syringe is made clear by the recitation of the relationships among the vent, the receptacle and the inner and outer members. Such structural relationships are not found in the prior art including the Caselgrandi patent relied upon by the Examiner in rejecting originally filed Claim 1.

The Caselgrandi patent discloses a syringe for use in a biopsy having syringe body 1. A syringe plunger 13 is slidably joined to the syringe body. The plunger includes a packing 20 for providing a fluid-type seal with the chamber 9 of the syringe body. In use, the syringe plunger 13 is pressed forward whereby the packing 20 is located closer to the distal end than the proximal end of the syringe. Subsequently, during the return of the plunger 13, organic tissue or fluid is drawn through the needle 7, so that such fluid is collected in the chamber 9 as the plunger 13 including the packing is moved backward. In the embodiment of Fig. 5, a hole 22 is provided for allowing pressurized gas or fluid into the cavity 8 for causing desired, backward movement of the plunger. Significantly also, the hole 22 is located at the same end of the syringe as is the closed off end 4 ("bridge"). That is, this closed off end and hole are located at the same or distal end of the syringe.

In contradistinction, Claim 1 requires that the vent be continuously relatively more adjacent to the proximal end than the distal end of each of the inner and outer members. The packing as part of the plunger of the Caselgrandi invention, on the other hand, is not more adjacent to the proximal end than the distal end. Indeed, it is positioned more adjacent to the end ("distal") that receives the organic or biopsy tissue. Moreover, the plunger and the packing do not have a continuous position. Instead, the packing moves away from the distal end of the biopsy syringe during the vacuum drawing of such tissue into the chamber 9. Relatedly and in that regard, Claim 1 also requires that the vent be fixed in position to define a volume in the receptacle for receiving the blood. That is, unlike the packing of the biopsy syringe, the vent is fixed in position to define a particular volume

for receiving blood. Thus, the invention of Claim 1 is completely opposite that of the Caselgrandi invention in which the volume changes as the plunger moves.

If the rejection of amended Claim 1 should be continued, it is respectfully requested that it be pointed out with specificity how the Caselgrandi patent, or any other prior art reference, anticipates or renders obvious these key, patentable features. Unless a convincing showing to that effect can be made, Claim 1 should now be allowed.

Referring next to independent Claim 2, it calls for, among other things, the vent to be relatively more adjacent to the proximal end than to the distal end of each of the inner and outer members and the claim further requires that the bridge be relatively more adjacent to the distal end than the proximal end of each of the inner and outer members. This structural relationship is appropriate in connection with the function of the vent, which is to allow air to escape; whereas, the hole 22 in the biopsy syringe is used to receive pressurized gas or fluid. Additionally, this patent was recognized as being deficient in this key aspect during the examination of the claims since dependent Claim 3 was found to be allowable by the Examiner. The patentable limitation of Claim 1 more generally recites the location of the vent in comparison with the bridge, while Claim 3 more narrowly recites that the vent contacts the proximal end of the inner member.

If the rejection of Claim 2, as now amended, should be maintained, it is respectfully requested that it be pointed out with particularity how the prior art teaches or suggests the patentable subject matter of Claim 2. In the absence of a persuasive showing to that effect, Claim 2 should now be allowed.

Referring to the dependent Claims 3, 4, 7 and 8, each of these depends from Claim 1 and is allowable based thereon. Furthermore, Claim 3 has previously been found to be allowable.

New Claim 19 defines a syringe that includes a syringe body, a bridge and a vent. The inner member of the syringe body defines a receptacle for collecting blood. The vent allows air to escape while also being used in preventing the escape of blood. Significantly, the vent is located within the receptacle and the syringe is free of any plunger assembly used to control flow of the blood. In contrast, the biopsy syringe of the Caselgrandi patent does not have a vent that allows air to escape while being used in preventing the escape of blood collected in a receptacle. Instead, the vent is used

to receive a pressurized gas or fluid into the annular cavity 8. Moreover, the hole 22 in the Caselgrandi syringe is located to allow fluid to pass into the cavity 8 between the outer and inner members 2, 3. Contrastingly, the vent of Claim 19 is located within the receptacle that is defined by the inner member. Moreover, Claim 19 requires that the syringe be free of any plunger assembly used to control flow of the blood. This patentable aspect significantly contrasts with the requirement in the Caselgrandi biopsy syringe that a syringe plunger 13 be provided.

Unless more material and relevant prior art can be identified, Applicants submit that Claim 19 should be allowed based on these novel and unobvious patentable features.

Claim 20 is similar to allowable Claim 14 in the respect that it requires providing a first syringe, coupling a second syringe to the first syringe and controlling blood flow relative to the first syringe using the second syringe. However, Claim 20 requires that blood be received by the first syringe and that the second syringe be free of any needle during the coupling and the controlling. Such methodology is similar to the syringe and method described in the Motta patent. The Motta patent discloses a tandem syringe comprising an outer barrel 32, a middle barrel 34 and an inner barrel 36. The middle barrel 34 constitutes the plunger of one syringe and the inner barrel 36 constitutes the plunger of the second syringe. The tandem syringe is useful in delivering medication to a patient. In that regard, a desired dose of medication can be received into the outer barrel 32 of one syringe using a needle. The needle is then removed when conducting steps for delivering the medication to the patient. More specifically, after the needle is removed, the tip of the syringe can be connected to a delivery tube. The needle 70 of the second syringe having the inner barrel 36 is caused to move in order to penetrate the stopper 50. This penetration vents the chamber to allow for the medication to be delivered to the patient. Consequently, a crucial structural feature of the Motta tandem syringe is the requirement of a needle 70 with the second syringe in order to deliver the medication. This aspect is entirely opposite that required by Claim 20. In particular, Claim 20 requires that blood be received by the first syringe and that the second syringe be free of any needle during the coupling and controlling. Such a claim limitation makes clear that Applicants' methodology does not involve use of a needle with the second syringe in order to control blood flow,

unlike the method employed by the tandem syringe of Motta which requires a needle with the second syringe in order to supply the medication to the patient.

Unless a convincing showing can be made that the patentable features associated with the controlling recited in Applicants' method are taught or suggested by the prior art, including the Motta patent, Claim 20 should also be found allowable.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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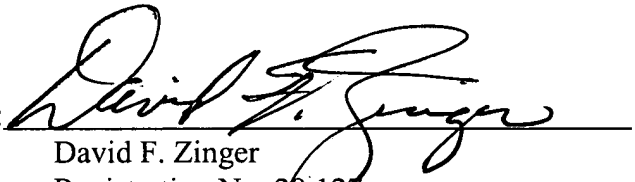
By: 

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Date: December 6, 2005